

REMARKS

As an initial matter, the Applicant thanks the Examiner for his thorough review of the application. In the present Office Action, the Examiner objects to the drawings for containing several reference numbers not discussed in the text and several numbers, and axis f, which are not present in the drawings. The Examiner rejects claim 19 under §112, 2nd paragraph as being indefinite with regard to the term "cams." The Examiner also rejects claims 1-12, and 20 under §112 for being vague with regard to the "means for securing the locking block to the frame." Additionally, the Examiner rejects claims 1-16, 18 and 20 under §§102(e) and (a) in light of four references, which are discussed in greater detail below. Finally, the Examiner indicates that claim 17 would be allowable if rewritten in independent form including all limitations of the base claim and intervening claims and that claim 19 would be allowable if rewritten or amended to overcome the §112 rejection. The Applicant has amended the claims and respectfully requests reconsideration of the Examiner's objections and rejections for the reasons presented below.

35 U.S.C. 112 Objection

The Examiner has objected to the specification as items identified in FIGS. 1-9 are not found in the specification. Upon reviewing the specification, however, the Applicant believes that the items are in fact contained in the specification. Specifically, item numbers 50, 55, 51, 102, 106 and 108 are all found in page 8 of the specification, item numbers 180 and 210 are found on page 9, item number 280 is found on page 10 of the specification. Reference number 17 is found in the text of the specification as amended in Applicant's Preliminary Amendment of April 20, 2004. It is found on page 6, paragraph 26.

Additionally, the Applicant has amended the specification in its Preliminary Amendment to delete the reference to firing axis "f" the axis is labeled with reference number 17. Applicant has deleted reference number 10 from the specification.

Claim 19 has been rejected under 35 U.S.C. § 112, 2nd paragraph as being indefinite. In response, the Applicant has amended the claim to specify the crossbar “guides the barrel between a locked and unlocked position.”

Likewise, Claims 1-12 and 20 are rejected under 35 U.S.C. § 112, 2nd paragraph for containing “mechanism for securing the locking block to the frame.” In response, Applicant has deleted this feature from independent claims 1, 8 and 20.

35 U.S.C. 102(e) – Wonisch

As an initial matter, the Applicant notes that Wonisch discloses a fixed barrel or “blow-back” type pistol unlike the firearm disclosed in the present application. Fixed barrel pistols do not employ locking blocks. Nevertheless, the Applicant has amended independent claims 1, 8, 13 and 20 to clarify the structure of its locking block. Specifically, the Applicant clarifies that the rear end of the locking block contains a crossbar transverse to a firing axis of the pistol, said transverse crossbar engages the barrel and halts the rearward longitudinal movement of the barrel upon discharge of the pistol. Additionally, the Applicant has clarified that the grooves and guide rails extend in a plane parallel to a firing axis of the pistol and that the front and rear edge surfaces of the rails are located on opposing ends of the guide rails and extend in planes that intersect the plane of the firing axis of the pistol. With regard to claim 1, the Applicant clarifies that the front end, rear end, transverse crossbar, sidewalls and guide rails are unitary component.

None of these features are present in Wonisch. Item 2 is not a locking block and does not feature guide rails with the structure as specified in the amended claims. As Wonisch is directed to a fixed barrel pistol, it does not disclose, teach or suggest a locking block with a transverse crossbar to engage the barrel and halt rearward movement of the barrel upon discharge and guide the barrel between a locked and unlocked position. Additionally, Wonisch does not disclose a locking block that is unitary. In light of the numerous structural differences, Applicant respectfully requests that the Examiner reconsider his rejection.

35 U.S.C. 102(e) - Schmitter

With regard to Schmitter, the Applicant believes that the locking block as claimed in the amended claims is structurally distinct from metallic rails of Schmitter. As an initial matter, Applicant notes the various components in Schmitter are not unitary and are molded into the thermoplastic frame of the pistol. *See Schmitter, Abstract.* This is quite distinct from the Applicant's dropped in locking block. Applicant notes that there are numerous manufacturing advantages, among other advantages, to its invention not present in the handgun of Schmitter. Moreover, Applicant notes that the tongues 80 of each front rail 72, 74 do not have chamfered front and rear edges reducing the surface area of the guide rails in contact with the slide of the pistol as claimed in amended claim 2. Applicant believes that Schmitter does not disclose, teach or suggest the limitations of amended claims 1, 2, and 8 and respectfully requests reconsideration.

35 U.S.C. 102(b) Smith I ('935 patent)

With regard to Smith I, the Applicant notes that the wing E1 of block E does not fit into the groove slide B as does the guide rail and groove structure claimed in amended independent claims 1, 8 and 13. See. FIG. 4. Applicant respectfully requests reconsideration of the Examiner's rejection in light of amended claims.

35 U.S.C. 102(b) Smith II ('011 patent)

As discussed above, the Applicant has amended the independent claims to clarify the structure of its locking block. The structure and function of the block in the amended claims is completely unlike items E1 and E14 in Smith II. Applicant respectfully requests reconsideration of the rejection in view of the amended claims.

Claim 17

The Examiner indicates that claim 17 was allowable if rewritten in independent form. Upon review of the base claim, claim 13, however, Applicant noted that it already contained the limitation of claim 17. As such, Applicant has cancelled claim 17 and believes that claim 13 is allowable. The Applicant notes that it has amended claim 13, in an effort to clarify the structure of its invention.

Claim 19

The Examiner indicates that claim 19 would be allowable if rewritten to overcome the Examiner's 112 rejection. The Applicant has amended the claim to clarify that the crossbar guides the barrel between a locked and unlocked position. The Applicant believes that the claim is now allowable.

CONCLUSION

In sum, the Applicant has amended the claims and in doing so believes it has traversed the Examiner's rejections and objections. As such, the Applicant believes that all of the pending claims are allowable.

Please charge the fee for the attached One-Month Extension to our Deposit Account No. 13-0235. It is believed that no additional fees or deficiencies in fees are owed. However, authorization is hereby given to charge our Deposit Account No. 13-0235 in the event any additional fees are owed.

Respectfully submitted,

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